REMARKS

In the above-mentioned Office Action, all of the pending claims, claims 1-7, were rejected. Claims 1, 3, and 5 were rejected under Section 102(e) over *Seekins*. And, claims 2, 4, 6, and 7 were rejected under Section 103(a) over the combination of *Seekins* and *Schwinke*.

Responsive to the rejections of the claims, independent claims 1 and 5 have been amended, as set forth herein, in manners believed better to distinguish the invention of the present application over the cited references used thereagainst, taken alone or in combination.

With respect to exemplary claim 1, the claim recitation has been amended, now to recite that when the signals received from cells of the network include more than one signal per frequency, measurement data is generated for more than one signal per frequency. Claim 5 has been analogously amended.

Seekins fails to disclose structure or methodology pertaining to the receiving of more than one signal per frequency in a frequency band or of generating more than one measurement per frequency. *Seekins* appears to pertain to a method that provides for the protection of one carrier signal for each preferred serving cell frequency. And, in so doing, *Seekins* attempts to address the problem of reselecting preferred cells by the maintenance of a preferred band map, specifically with the most recently visited serving cell frequency at the top of the band map list. *Seekins* fails to disclose, or to suggest, that the list should, or could, include more than one signal per frequency. This, in fact, would be inconsistent with the hierarchy of frequencies in the preferred band map. The aim of the list in *Seekins* is to minimize the time that is required to establish a connection. Including data from more than one signal per frequency would be inconsistent with this aim without significant modification.

Schwinke was cited for showing the tuning of a cellular phone to a second operating band when a first operating band is unavailable, and then for scanning for a strongest signal to camp on. This reference also fails to disclose the methodology or structure, recited as now-amended.

Schwinke appears to relate to a system in which, if the strongest cell at a specific control channel frequency of a first carrier is not suitable, then a second strongest cell at a different control channel frequency of the first carrier is selected. *Schwinke* also appears not to disclose

generation of measurement data for more than one frequency, only measurement at each of the specific control channel frequencies.

Furthermore, one skilled in the art would not look to *Schwinke* to address the problem set forth in *Seekins* for the reason that *Schwike* is concerned with the very specific area of control channel scanning. Devices associated with the disclosure of *Schwinke* therefore include additional technical features, such as frequency synthesis circuits, which are not necessarily compatible with the structure disclosed in *Seekins*. In spite of this, however, the resultant combination still would not disclose the generation of data for more than one signal per frequency. Technical modifications required to do this and any incentive to make such modifications are neither disclosed nor inferred. And, the control channel specific nature of *Schwinke* combined with the singular hierarchical nature of *Seekins* would direct one skilled in the art away from the possibility of multiple data per signal characteristics of the invention of amended claim 1.

Because the dependent claims include all the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the cited references, taken alone or in combination, for the same reasons as those given with respect to the respective parent claims.

In light of the foregoing, independent claims 1 and 5, as now-amended, and the dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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